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Item 6(c) of the provisional agenda
Matters relating to the mechanisms under the Kyoto Protocol
Synergy relating to accreditation under the
mechanisms of the Kyoto Protocol

**Recommendation of the Joint Implementation Supervisory
Committee on the accreditation system for joint
implementation aligned with that of the
clean development mechanism**

Note by the secretariat

Summary

This document provides an elaborated recommendation from the Joint Implementation Supervisory Committee to the Subsidiary Body for Implementation on an accreditation system for joint implementation (JI) aligned with that of the clean development mechanism (CDM), taking into consideration decision 6/CMP.8, paragraph 15(b), and the implications thereof, as requested by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its ninth session. This elaborated recommendation proposes a closely aligned accreditation system through the establishment of a joint accreditation committee under the authority and supervision of the two constituted bodies, in accordance with decisions 3/CMP.1 and 9/CMP.1, which would carry out accreditation functions under both the CDM and JI.

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I. Background and mandate

1. At its eighth session, the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) agreed, with regard to the review of the joint implementation (JI) guidelines, on a set of key attributes that would characterize the future operation of JI, including closely aligned or unified accreditation procedures between JI and the clean development mechanism (CDM) that take into account differences in the respective modalities and procedures of the two mechanisms.¹

2. In its annual report to the CMP at its ninth session, the Joint Implementation Supervisory Committee (JISC) reported that "with regard to the accreditation system for accredited independent entities (AIEs), the JISC agreed that the CMP may wish to consider establishing a unified accreditation system for both project-based mechanisms under the Kyoto Protocol: the CDM and JI".² The JISC also noted that "the accreditation panels of both mechanisms have been collaborating in their work in past years and the JISC firmly believes that a unified accreditation system would achieve economies of scale, resulting in reduced regulatory burdens and associated transaction costs". The JISC further reported to the CMP that it "stands ready to collaborate fully with the CDM Executive Board in implementing a unified accreditation system, but considers that strategic direction is required from the CMP to give impetus to such work".

3. At its ninth session, the CMP requested the JISC to submit elaborated recommendations on the accreditation system for JI aligned with that of the CDM, taking into consideration decision 6/CMP.8, paragraph 15(b), for consideration by the Subsidiary Body for Implementation (SBI) at its fortieth session.³

4. This elaborated recommendation was developed by the JISC at its 34th meeting (March 2014) for the consideration of the SBI. The CDM Executive Board was not requested by the CMP to undertake work in relation to this matter but at its 77th meeting (February 2014) it was informed by the secretariat of the work of the JISC in relation to accreditation and this request of the CMP.

II. Existing infrastructure for accreditation

5. The functions of the CDM Executive Board and the JISC in relation to accreditation of their respective mechanisms are very similar:

(a) Under decision 3/CMP.1, annex, paragraph 5(f), the CDM Executive Board is required to be responsible for the accreditation of operational entities in accordance with the accreditation standards contained in appendix A to that annex, including decisions on reaccreditation, suspension and withdrawal of accreditation;

(b) The JISC, pursuant to decision 9/CMP.1, annex, paragraph 3(b) and (c), is responsible for the accreditation of independent entities in accordance with the standards and procedures contained in appendix A to that annex, and for the review of these standards and procedures, giving consideration to the work of the CDM Executive Board.

6. The two accreditation systems are currently operating in accordance with very similar standards, set at CMP level.

¹ Decision 6/CMP.8, paragraph 15.

² FCCC/KP/CMP/2013/4 and Corr.1, paragraph 22.

³ Decision 5/CMP.9, paragraph 5.

7. Both constituted bodies are mandated to review the accreditation standards set by the CMP that apply to their mechanism and make recommendations to the CMP (see decision 3/CMP.1, annex, paragraph 5(g), and decision 9/CMP.1, annex, paragraph 3(c)). Both bodies have adopted accreditation standards and procedures to elaborate on the guidance provided by the CMP. These regulations have followed the same approaches, with the regulations of the JISC being initially modelled on those of the CDM Executive Board, and improvements made to one set have generally led to similar changes in the other. Over time, some differences have emerged, especially given that the CDM Executive Board introduced extensive improvements through the revisions of its accreditation standards and procedures that it adopted in 2013. However, in the opinion of the JISC, there are no substantive reasons for maintaining such differences between the CDM and JI accreditation systems.

8. In addition, each constituted body is mandated to obtain the support and expertise that it needs through establishing and managing panels, committees and working groups (see decision 3/CMP.1, annex, paragraph 18, and decision 9/CMP.1, annex, paragraph 13). Such technical support panels and committees remain under the authority of the constituted body that sets them up (CDM Executive Board or JISC) and that body remains accountable to the CMP in respect of technical work undertaken by these panels, committees and working groups. At the present time, there is a CDM Accreditation Panel (CDM-AP) and a JI Accreditation Panel (JI-AP), which carry out almost identical functions in relation to the review of accreditation submissions and performance management of entities accredited under the respective mechanism.

9. The only substantive difference between the two mechanisms in terms of the structure of accreditation functions is that the CMP formally designates operational entities under the CDM in accordance with Article 12, paragraph 5, of the Kyoto Protocol, whereas the CMP does not have this role under JI. To date, the CMP has always followed the recommendation of the CDM Executive Board as to designation.

III. Proposal to closely align the clean development mechanism and joint implementation accreditation systems

10. As noted above, the two project-based mechanisms have almost identical rules for accreditation functions and processes but have been run separately. In decision 9/CMP.1, annex, paragraph 3(c), it was envisaged that the JISC, in its review of accreditation standards and procedures, should give consideration to the relevant work of the CDM Executive Board.

11. This elaborated recommendation proposes a closely aligned accreditation system which would carry out the accreditation functions of both the CDM and JI, taking into account the differences in the respective modalities and procedures/guidelines of the two mechanisms. It is proposed that this system could take the rules of CDM accreditation and apply them to JI, with the necessary changes, and share accreditation activities, while maintaining the separate accountability of the CDM Executive Board and the JISC to the CMP.

12. It is important to note that the JISC considers that the proposed closely aligned accreditation system can be implemented without revision to decision 3/CMP.1 or decision 9/CMP.1 as it is within the competence of the CDM Executive Board and the JISC to develop their own technical support structures, while remaining accountable to the CMP. As such, the JISC considers that the SBI could, if it considers appropriate, make recommendations to the CMP that are independent of the current review of the modalities

and procedures for the CDM and the guidelines for the implementation of Article 6 of the Kyoto Protocol, both of which are under consideration by the SBI.

13. Furthermore, the JISC wishes to note that in the proposed closely aligned accreditation system, formal accreditation responsibility in respect of designated operational entities (DOEs)⁴ would remain with the CDM Executive Board and responsibility for the accreditation of AIEs⁵ would remain with the JISC. The two constituted bodies would oversee a single joint accreditation committee. Bringing together the two accreditation functions in this manner recognizes their almost identical roles within their respective mechanisms, as described above.

14. Under the proposed approach, accreditation decisions would be made by the joint accreditation committee under the authority and supervision of the CDM Executive Board and the JISC, which would remain separately accountable to the CMP in accordance with decisions 3/CMP.1 and 9/CMP.1, respectively. The joint accreditation committee would be of a technical nature, similar to the existing CDM-AP and JI-AP. As is the case for the existing panels, its members would be independently recognized accreditation experts, who would be selected by the CDM Executive Board and the JISC.

15. The proposal is that the system would make use of a common regulatory framework for accreditation for both project-based mechanisms and would conduct combined accreditation assessments.

16. The JISC recommends that the joint accreditation committee could have, as its primary roles:

- (a) Elaborating its governance documents for approval by the CDM Executive Board and the JISC;
- (b) Reviewing accreditation and reaccreditation requests;
- (c) Planning and implementing assessment activities, combining CDM- and JI-related assessments in order to reduce costs;
- (d) Taking accreditation decisions (i.e. initial accreditations, reaccreditations, performance assessments, regular surveillances, spot checks, suspensions) and reporting them to the CDM Executive Board and the JISC;
- (e) Taking accreditation-related policy decisions in consultation with the CDM Executive Board and the JISC;
- (f) Reporting its activities to the CDM Executive Board and the JISC.

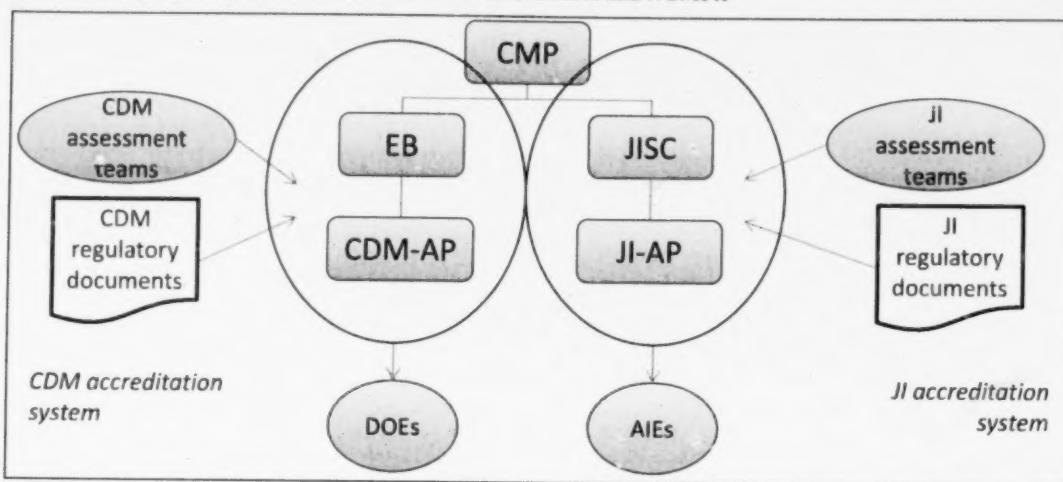
17. Figures 1 and 2 depict the current accreditation infrastructure and the recommendation on a closely aligned accreditation system, respectively.

⁴ See decision 3/CMP.1.

⁵ See decision 9/CMP.1.

Figure 1

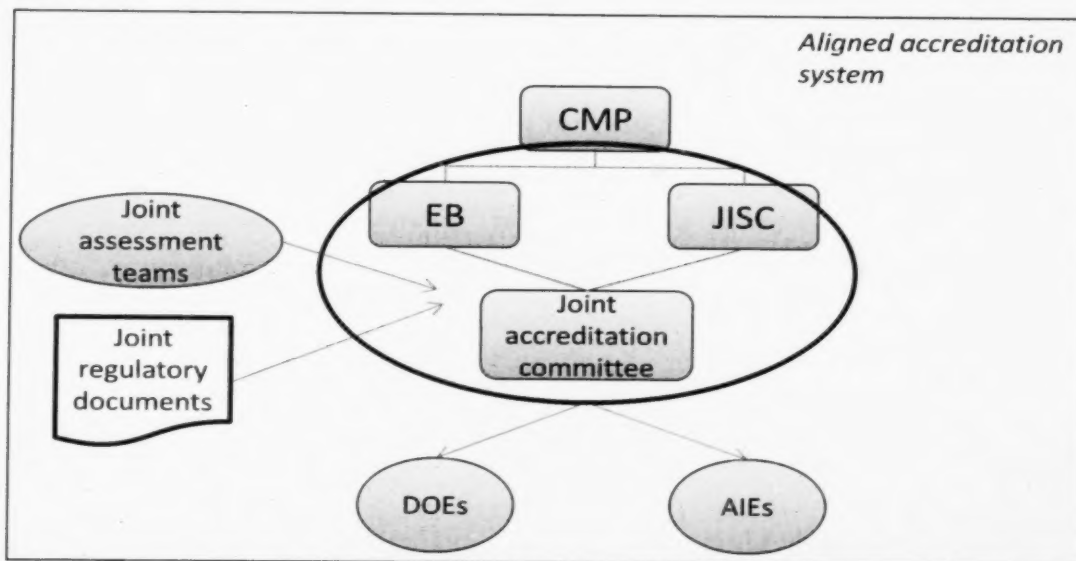
Current accreditation infrastructure under decisions 3/CMP.1 and 9/CMP.1



Abbreviations: AIEs = accredited independent entities, CDM = clean development mechanism, CDM-AP = CDM Accreditation Panel, CMP = Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, DOEs = designated operational entities, EB = CDM Executive Board, JI = joint implementation, JI-AP = JI Accreditation Panel, JISC = Joint Implementation Supervisory Committee.

Figure 2

Proposed closely aligned accreditation system, implementable within the existing rules of decisions 3/CMP.1 and 9/CMP.1



Abbreviations: AIEs = accredited independent entities, CMP = Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, DOEs = designated operational entities, EB = Executive Board of the clean development mechanism, JISC = Joint Implementation Supervisory Committee.

IV. Implications of the proposal

A. Expected impacts

18. As noted in paragraph 12 above, the proposed closely aligned accreditation system would not, in the view of the JISC, require that decisions 3/CMP.1 and 9/CMP.1 be revised. As such, it seems to the JISC that the CMP would be in a position to confirm that the CDM Executive Board and the JISC should share a common technical support structure for accreditation matters. The CMP could request the CDM Executive Board and the JISC to take the necessary steps to elaborate and implement the proposed joint accreditation committee in a similar way to that followed by the CDM Executive Board and the JISC when they each separately set up their current accreditation panels, except that in this case they would do so jointly.

19. A closely aligned accreditation system could be expected to produce the following benefits:

(a) Consistent application of best practice on accreditation across both the project-based mechanisms, by moving 'I towards the CDM accreditation system, which is more developed, and then developing accreditation best practice consistently for both mechanisms;

(b) A consistent approach to the same issues between the CDM and JI would be ensured, thus supporting the consistency of standards required for the project-based mechanisms under the Kyoto Protocol;

(c) A considerable reduction in costs in implementing accreditation functions for the CDM Executive Board, the JISC, the secretariat and the independent entities under the CDM and JI by removing duplication (for example, the secretariat has to run two accreditation processes, and entities wishing to be both a DOE under the CDM and an AIE under JI must pay two separate fees for accreditation);

(d) Reduced costs for accredited entities in maintaining accreditation because assessments of those accredited entities would be joint for the CDM and JI (the accredited entities bear the assessment costs);

(e) Reduction of complexity in the accreditation infrastructure. This would be without any loss of environmental integrity or quality assurance capacity as the two systems already meet the same standards, as set by the CMP.

B. Proposed next steps

20. Both the CDM Executive Board and the JISC are competent to determine the mandate and role of their technical support panels, committees and working groups. It is the practice of both bodies to do this through the terms of reference for their support structure.⁶ The JISC believes that the CDM Executive Board and the JISC could together elaborate the detailed operational functions of, and establish, the joint accreditation system. The two constituted bodies could report to the CMP on the operations of the joint accreditation committee through their respective annual reports.

⁶ The terms of reference of the support structure of the CDM Executive Board are available at <http://cdm.unfccc.int/sunsetsms/storage/contents/stored-file-20130604103122805/panels_proc02.pdf> and the general guidelines for panels and working groups under the JISC at <http://ji.unfccc.int/Ref/Documents/Gen_Guid.pdf>.

21. The JISC considers that the CDM Executive Board and the JISC would need to undertake, as a minimum, the following work if the CMP were to endorse the proposed closely aligned accreditation system:

(a) Establish procedures on how the membership of the proposed joint accreditation committee would be elaborated and how the CDM Executive Board and the JISC would oversee the selection process;

(b) Establish procedures to ensure that challenges to accreditation decisions taken by the joint accreditation committee are reported to the relevant constituted body, for the guidance of that body;

(c) Establish procedures to ensure that the CDM Executive Board and the JISC are able to coordinate on matters related to accreditation and resolve any differences of view between the two constituted bodies, or between one body and the joint accreditation committee, should such occur;

(d) Elaborate the allocation of operational costs between the CDM and JI. Both the CDM and JI are funded through fees for the registration/determination and issuance of certified emission reductions and the verification of JI Track 2 emission reduction units. In addition, JI is also funded through the registration of Track 1 projects. The operational costs of the proposed joint accreditation committee could be shared by the mechanisms in proportion to their efforts of oversight;

(e) Put in place measures to allow the two mechanisms to make the transition from the existing CDM-AP and JI-AP to the joint accreditation committee.

V. Conclusion and proposed recommendation

22. Following the request contained in paragraph 5 of decision 5/CMP.9, this elaborated recommendation proposes a closely aligned accreditation system which would carry out accreditation functions under both the CDM and JI, taking into account the differences in the respective modalities and procedures/guidelines of the two mechanisms.

23. The CDM and JI accreditation regulation at the CMP level is very similar, with the CDM and JI accreditation texts set by the CMP being nearly identical. While at the implementation level some differences have emerged, the JISC sees no substantive reasons for maintaining two separate accreditation systems.

24. The proposed accreditation system would involve the creation of a joint accreditation committee, overseen by the CDM Executive Board and the JISC. A closely aligned accreditation system would make use of the similarities and potential synergies between the CDM and JI accreditation systems. It would therefore produce consistent application of best practice on accreditation issues, reduce complexity in the accreditation infrastructure and reduce costs in implementing accreditation functions.

25. The JISC recommends that the SBI consider forwarding to the CMP for consideration and adoption at its tenth session a draft decision that:

(a) Requests the CDM Executive Board and the JISC to establish a joint accreditation committee under their authority and supervision, in accordance with decisions 3/CMP.1 and 9/CMP.1, and collaborate in the operation of accreditation;

(b) Also requests the CDM Executive Board and the JISC to collaborate to revise the regulations of the CDM and JI rules in order to:

- (i) Develop and apply terms of reference for the membership, appointment, competence and mandate of the joint accreditation committee and jointly revise such terms of reference at appropriate times;
 - (ii) Develop and apply a single regulatory framework for accreditation, including specific provisions to determine compliance with CDM and JI requirements;
 - (iii) Review and improve related processes, such as the qualification of experts.
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Item 17 of the provisional agenda

Arrangements for intergovernmental meetings

Arrangements for intergovernmental meetings

Note by the Executive Secretary

Summary

This document addresses three main topics:

- (a) The twentieth session of the Conference of the Parties (COP) and the tenth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP): information on the sessions is presented, including an organizational scenario and possible elements of the provisional agendas;
- (b) Future sessional periods: information is provided on preparations for future COP and CMP sessions and guidance from the Subsidiary Body for Implementation regarding the dates for the sessional periods in 2019 is given;
- (c) Organization of the intergovernmental process, including the engagement of observer organizations.

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I. Introduction

A. Mandate

1. Article 8, paragraph 2, of the Convention provides that the functions of the secretariat shall be, *inter alia*, to make arrangements for sessions of the Conference of the Parties (COP) and its subsidiary bodies and to provide them with services as required. In order to make the necessary arrangements for intergovernmental meetings, the secretariat periodically seeks guidance from Parties.

B. Possible action by the Subsidiary Body for Implementation

2. The Subsidiary Body for Implementation (SBI) is invited to do the following:

(a) To provide advice or recommendations to the COP and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) on the organization of their work during the 2014 United Nations Climate Change Conference, to be held in Lima, Peru, including the high-level segment, as well as on the organization of the work of the subsidiary bodies, namely the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the SBI, and the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP);

(b) To provide advice to the secretariat on possible elements of the provisional agendas for COP 20 and CMP 10;

(c) To recommend dates for the sessional periods in 2019 for adoption at COP 20;

(d) To exchange views and provide guidance on the organization of the intergovernmental process, including on the engagement of observer organizations.

II. Twentieth session of the Conference of the Parties and tenth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

A. Introduction

3. The COP decided that the 2014 United Nations Climate Change Conference will be held in Lima, Peru, from Monday, 1 December, to Friday, 12 December 2014, subject to confirmation by the Bureau and the successful conclusion of a Host Country Agreement.¹ During the two-week sessional period, the Lima Conference will include the sessions of the COP, the CMP, the SBI, the SBSTA and the ADP, as well as a joint high-level segment of the COP and the CMP. The Lima Conference is expected to attract a high level of interest and to bring Parties together to advance discussions on accelerating implementation under the COP, the CMP and the subsidiary bodies and to move forward on the elaboration of elements for a draft negotiating text under the ADP.

¹ Decision 28/CP.19. The dates of the conference are a revision of the dates for COP 20 and CMP 10 noted in decisions 19/CP.17, paragraph 8(a), and 26/CP.18, paragraph 4.

B. Preparations for the sessions

4. Pursuant to decision 28/CP.19, the Bureau is required to confirm that the logistical, technical and financial elements for hosting the sessions are available, in conformity with United Nations General Assembly resolution 40/243. In accordance with the same decision, the Executive Secretary is continuing consultations with the Government of Peru in order to conclude and sign a Host Country Agreement not later than the fortieth sessions of the SBI and the SBSTA. Preparations for the sessions are under way and further information will be provided during SBI 40.

C. Organization of the sessions

5. Arrangements for the opening of the Lima Conference on Monday, 1 December, will be in accordance with recent practice. The President of COP 19 and CMP 9 will open COP 20 and propose the election of the President of COP 20 and CMP 10. The COP will then take up some of the organizational and procedural agenda items, including the adoption of the agenda and the organization of work. The COP will refer items of its agenda to the subsidiary bodies as appropriate. Statements are not envisaged, except those made on behalf of groups of Parties. The opening meeting of the COP will then be adjourned.

6. CMP 10 will then be opened and the CMP will take up some of the organizational and procedural items on its agenda, including the adoption of the agenda and the organization of work. The CMP will refer items of its agenda to the subsidiary bodies as appropriate. Again, statements are not envisaged, except those made on behalf of groups of Parties. The opening meeting of the CMP will then be adjourned.

7. The COP and the CMP will convene in plenary meetings later in the week, to take up the items on their agendas not referred to subsidiary bodies.

8. The SBI and the SBSTA are expected to finalize numerous issues in the first week, including those relating to ongoing work and mandates arising from COP 19 and CMP 9, and to forward the results to the COP and the CMP for adoption. The ADP is expected to complete its work by Thursday, 11 December, and report to COP 20.

9. The principles of openness, transparency and inclusiveness will guide the organization of work in the sessions leading up to and during the Lima Conference. To this end, efforts will continue as at recent conferences to demonstrate these principles through the use of informal plenary meetings, the enhanced availability of electronic documentation, timely meeting announcements and the broadcasting of meeting information on closed-circuit television, Twitter and the UNFCCC website.

D. High-level segment

10. The high-level segment of COP 20 and CMP 10 is planned to be organized in line with the positive experiences of recent sessions of the COP and the CMP, at which national statements did not run beyond the scheduled time frame. Additional efforts are needed, however, to ensure that the COP and the CMP can be concluded within their scheduled sessional periods. With this in mind, the inauguration of the high-level segment is planned for the morning of Tuesday, 9 December, and will include the participation of high-level representatives of the host country. Statements will be made by high-level dignitaries and on behalf of groups of Parties, as appropriate.

11. The COP has requested that two ministerial dialogues be convened during COP 20:

(a) An in-session ministerial dialogue on the Durban Platform for Enhanced Action;²

(b) The first biennial high-level ministerial dialogue on climate finance; the COP requested the COP Presidency to summarize the deliberations of the dialogue.³

12. The incoming Presidency will put in place further arrangements for these high-level events during the high-level segment in consultation with Parties and with the support of the secretariat.

13. The COP and the CMP will convene in joint meetings in the afternoon of Tuesday, 9 December, as well as Wednesday, 10 December, and the morning of Thursday, 11 December, to hear national statements by ministers and other heads of delegation. There will be one speakers' list and each Party, including Parties to both the Convention and its Kyoto Protocol, will speak only once. No decisions will be taken in these joint meetings. Given the number of Parties, the recommended time limit for each statement, as at previous sessions, is three minutes. In accordance with recent practice, a bell system will allow for the best use of the limited time available. The full texts of the official statements will be posted on the UNFCCC website.

14. A further joint meeting of the COP and the CMP will be convened to hear statements from observer organizations in the afternoon of Thursday, 11 December. The recommended time limit for each statement, as at previous sessions, is two minutes. Separate meetings of the COP and the CMP will be held beginning on the morning of Friday, 12 December, for the adoption of decisions and conclusions emerging from the sessions. This is a half day earlier than in previous sessions.

E. Possible elements of the provisional agendas

15. Rule 9 of the draft rules of procedure being applied provides that "In agreement with the President, the secretariat shall draft the provisional agenda of each session". Possible elements of the provisional agendas for COP 20 and CMP 10 have been prepared by the secretariat, following consultations with the President and the Bureau, and are contained in annexes I and II. The possible elements closely follow recent agendas and also reflect the outcomes of COP 19 and CMP 9. In addition, they include organizational and procedural elements, as well as the high-level segment for ministers and other heads of delegation.

16. Parties will be invited to present their views on the possible elements of the provisional agendas for COP 20 and CMP 10. Taking into account those views, the secretariat will finalize the provisional agendas, in agreement with the President, and make them available in the official United Nations languages at least six weeks before the opening of the sessions, in accordance with rule 11 of the draft rules of procedure being applied.

² Decision 1/CP.19, paragraph 7.

³ Decision 3/CP.19, paragraph 13.

III. Future sessional periods

A. Future sessional periods of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

17. Decision 28/CP.19 accepted with appreciation the offer of the Government of France to host COP 21 and CMP 11, which will be held from Monday, 30 November, to Friday, 11 December 2015.⁴ The Bureau was requested to confirm that all logistical, technical and financial elements for hosting the sessions are available, in conformity with United Nations General Assembly resolution 40/243. The Executive Secretary was also requested to continue consultations with the Government of France to successfully conclude a Host Country Agreement for the sessions not later than the forty-second sessions of the SBI and the SBSTA.

18. The COP also noted that, in keeping with the principle of rotation among regional groups, the President of COP 22 and CMP 12 would come from the African States. The COP noted the offer from the Government of Senegal to host these sessions in November–December 2016.

19. In keeping with the principle of rotation among regional groups, the President of COP 23 and CMP 13 would come from the Asia-Pacific States. In this context, the SBI may wish to encourage the Asia-Pacific States to present an offer to host the sessions by SBI 40.

20. The SBI is invited to discuss the future sessional periods of the COP and the CMP as outlined above.

B. Calendar of meetings of the Convention bodies

21. In keeping with the recommendation of SBI 30 that future sessions be scheduled from mid-week to mid-week, where possible,⁵ SBI 40 will be invited to recommend dates for the sessional periods in 2019, as follows:

(a) First sessional period: Wednesday, 12 June, to Sunday, 23 June 2019;

(b) Second sessional period: Wednesday, 13 November, to Sunday, 24 November 2019.

22. The SBI may wish to provide guidance on the dates for future sessional periods, with a view to recommending them for consideration and adoption at COP 20.

23. The SBI may also wish to reflect on COP 21 and CMP 11, to be held in 2015. The completion of the negotiation of the 2015 agreement will place unprecedented demands on the intergovernmental process, especially in the two-week sessional period. Parties may wish to provide views on the option of convening sessions of the subsidiary bodies prior to, rather than in conjunction with, COP 21 and CMP 11, in order to reduce pressure on negotiating time during these sessions.

⁴ These dates are a revision of the dates of COP 21 and CMP 11 indicated in decisions 19/CP.17 and 26/CP.18.

⁵ FCCC/SBI/2009/8, paragraph 115.

IV. Organization of the intergovernmental process

A. Possible improvements to the intergovernmental process and emerging issues

24. The SBI has periodically provided Parties with an opportunity to discuss and exchange views on the organization of the intergovernmental process in order to inform the work of the presiding officers and the secretariat. SBI 36 invited Parties to submit their views on ways to improve efficiency and effectiveness, planning, as well as the structure of the process to streamline it, including budgetary implications. The SBI requested the secretariat to compile views and to prepare a synthesis report based on the above-mentioned submissions for consideration at SBI 38.⁶

25. Four submissions, including three submissions from groups of Parties, were received from Parties in 2013 and have been made available on the UNFCCC website.⁷ Several of the submissions raise similar views related to the organization of the intergovernmental process, including proposals for permanent intersessional meetings, regular sessional stocktaking and support for participation. Other views expressed in more than one submission included forwarding unfinished business to the next sessional period, ensuring the availability of adequate hard copies of official documentation in-session and facilitating arrangements for participation in informal in-session activities. All submissions generally expressed appreciation for the arrangements for observer organizations and made various suggestions for their continued engagement.

26. The SBI may wish to focus discussions on the organization of the intergovernmental process under the present agenda item on issues that are not being addressed by the Presidencies through the consultations under the COP agenda sub-item entitled "Decision-making in the UNFCCC process".⁸

27. As the SBI was not able to agree on its provisional agenda for SBI 38, Parties may wish to discuss the views raised in the submissions referred to in paragraph 25 above as well as the issues outlined in document FCCC/SBI/2013/4. In addition, on the basis of previous discussions raised in the Bureau, the SBI may also wish to consider the following preliminary areas for discussion, keeping in mind the principles of openness, transparency and inclusiveness, in guiding the work of the Presidents and other presiding officers:

(a) **The frequency and timing of COP and CMP sessions.** The calendar of intergovernmental meetings has become increasingly complex and crowded over the past five years. Parties may wish to take stock of the situation with a view to recommending possible changes to the frequency of COP and CMP sessions. The work of various constituted bodies,⁹ including those launched under the Bali Action Plan,¹⁰ has become an important component of the processes under the Convention and the Kyoto Protocol. The 2014–2015 biennium will also see the launch of new work and meetings related to measurement, reporting and verification. In addition, there has been some discussion of whether, in the wake of the 2015 agreement, the calendar of meetings could be revisited. For example, after COP 21 and CMP 11, it may not be necessary to convene COP and CMP sessions every year but rather shift COP and CMP sessions to a biennial cycle, as is the case for a number of other treaty processes. The subsidiary bodies could continue the schedule of meeting twice a year, which would result in having three subsidiary body

⁶ FCCC/SBI/2012/15, paragraph 238.

⁷ <http://unfccc.int/documentation/submissions_from_parties/items/8016.php>.

⁸ FCCC/CP/2013/10, paragraphs 153–156.

⁹ <<http://unfccc.int/bodies/items/6241.php>>.

¹⁰ Decision 1/CP.13.

sessions between COP and CMP sessions to provide sufficient meeting time to advance work and prepare for COP and CMP sessions. Parties may also wish to discuss whether sessions of the subsidiary bodies would be needed in conjunction with COP and CMP sessions based on this model. In addition, Parties may also wish to exchange views on the mid-week to mid-week dates proposed for future sessions, and forward any recommendation on this matter for consideration by the COP;

(b) **Measures to promote the timely closing of conferences.** Completing work within the allotted sessional time and closing conferences on time has not been a regular occurrence in the UNFCCC process. Recent sessions have often extended into late hours, going beyond the planned closing time by 12 to 24 hours, and on one occasion by as much as 36 hours. This not only leads to great inconvenience for participants, but can also have major cost implications for host countries and can raise questions about the full and adequate participation of Parties in the adoption of decisions and conclusions. Some proposals have been made in this document to advance work with the goal of closing conferences in a timely manner.¹¹ The SBI may wish to consider whether additional measures can be recommended to promote the best use of meeting time for consideration by the COP and the CMP;

(c) **Timing of the election of the COP President.** Currently, the President of the COP is elected at the commencement of the first meeting of each session of the COP and serves until the election of the next President at the following session of the COP.¹² This election process has implications for the authority of a President when preparing for the conference at which he/she will preside. To enable the President to effectively prepare for and preside over forthcoming sessions of the COP and the CMP, the SBI may wish to consider whether to recommend, to the COP, procedures allowing for the President to be elected and take office at the end of each session of the COP;

(d) **Development of coherent and relevant provisional agendas,** including possible streamlining and the implications of the operationalization of several new constituted bodies. Provisional agendas across the sessional bodies have become lengthy in recent years, resulting in the proliferation of meetings within a complex schedule during a sessional period. The operationalization of constituted bodies and the various forums may provide additional space for the consideration of tasks, which in turn could lead to enhanced coordination between the SBSTA and the SBI, and less discussion within such bodies;

(e) **The work of the subsidiary bodies and the implications for meeting time in the light of the implementation in 2014 of the measurement, reporting and verification process** established through decisions 1/CP.16 and 2/CP.17. Discussions related to measurement, reporting and verification will require additional meeting time, in particular for the convening of working group sessions during the SBI sessions to conduct multilateral assessments, as part of international assessment and review for developed countries, and convening workshops at regular intervals in the context of international consultation and analysis for developing countries.

28. Based on the consideration of the issues outlined in paragraphs 24 to 27 above, the SBI may wish to make recommendations to the COP for its consideration.

¹¹ See paragraphs 10, 14 and 23 above.

¹² See rule 22 of the draft rules of procedure being applied in document FCCC/CP/1996/2.

B. Observer organizations in the intergovernmental process

29. SBI 36 requested the secretariat to provide, at SBI 38, an update on participation by observer organizations in the UNFCCC process, including on the implementation of the SBI conclusions on this issue from SBI 34.¹³ Parties are invited to review the update prepared by the secretariat contained in document FCCC/SBI/2013/4, paragraphs 29–35.

30. In general, there have been significant visible improvements in observer engagement in the intergovernmental process over the past few years, owing to both formal and informal dialogues among observer organizations, Parties and the secretariat. These improvements include the availability of draft negotiation texts to observers, improved access to observer submissions on the UNFCCC website, observer participation in intersessional limited-access meetings, opportunities to make presentations at workshops, use of observer inputs for the preparation of background documentation and publications, host country engagement of stakeholders in the lead-up to the sessions of the COP/CMP and open dialogues or briefings with presiding officers, such as the series of ADP Co-Chairs' special events with observers.

31. In addition, it is noteworthy that there has been an increase in stakeholder events within conference venues focusing on specific themes, such as business, parliamentarians, the new market mechanism, women, cities, youth and civil society in general. Some were organized by observer organizations and others were held jointly with the COP/CMP Presidency and/or the secretariat and included high-level speakers. Holding high-level events is in line with the SBI 36 conclusion that suggested that the hosts of future sessions of COPs/CMPs and the secretariat explore such a possibility.¹⁴ These all-day or half-day events highlight actions on the ground and elicit new ideas that may lead to discussions in the formal negotiations. This trend continues in 2014, where indigenous peoples organizations also expressed their plan to hold events with a thematic focus during COP 20 and CMP 10. The secretariat continues to facilitate such theme-focused engagement within the resource constraints.

32. One of the areas that can be drastically improved is the use of technology for virtual participation. It will enable more stakeholders to remotely follow the negotiations and to participate in side events and virtual exhibits. While the secretariat managed to provide services utilizing Internet-based tools such as Skype during side events and virtual seminars on substantive issues for the youth constituency in the lead-up to COP 19/CMP 9, a large-scale deployment at COP/CMP sessions has not been possible owing to budgetary and resource constraints.

33. In the light of the above overview of observer engagement and the limited resources available to the secretariat, Parties are invited to provide further guidance on the way forward for observer engagement in the intergovernmental process.

¹³ FCCC/SBI/2012/15, paragraph 242.

¹⁴ FCCC/SBI/2012/15, paragraph 241.

Annex I

Possible elements of the provisional agenda for the twentieth session of the Conference of the Parties

Opening of the session.

Organizational matters:

- (a) Election of the President of the Conference of the Parties at its twentieth session;
- (b) Adoption of the rules of procedure;
- (c) Adoption of the agenda;
- (d) Election of officers other than the President;
- (e) Admission of organizations as observers;
- (f) Organization of work, including the sessions of the subsidiary bodies;
- (g) Dates and venues of future sessions;
- (h) Adoption of the report on credentials.

Reports of the subsidiary bodies:

- (a) Report of the Subsidiary Body for Scientific and Technological Advice;¹
- (b) Report of the Subsidiary Body for Implementation.²

Report of the Ad Hoc Working Group on the Durban Platform for Enhanced Action.³

Consideration of proposals by Parties under Article 17 of the Convention.

Consideration of proposals by Parties for amendments to the Convention under Article 15:

- (a) Proposal from the Russian Federation to amend Article 4, paragraph 2(f), of the Convention;
- (b) Proposal from Papua New Guinea and Mexico to amend Articles 7 and 18 of the Convention.

Report of the Adaptation Committee.

Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts.

Development and transfer of technologies and implementation of the Technology Mechanism:

¹ Annotations to the provisional agenda of the twentieth session of the Conference of the Parties (COP) under this sub-item will indicate recommendations for draft decisions and conclusions arising from the work of the Subsidiary Body for Scientific and Technological Advice in 2014 for consideration at COP 20.

² Annotations to the provisional agenda of COP 20 under this sub-item will indicate recommendations for draft decisions and conclusions arising from the work of the Subsidiary Body for Implementation in 2014 for consideration at COP 20.

³ Annotations to the provisional agenda of COP 20 under this item will reflect the status of work under the Ad Hoc Working Group on the Durban Platform for Enhanced Action.

- (a) Joint annual report of the Technology Executive Committee and the Climate Technology Centre and Network;
- (b) Linkages between the Technology Mechanism and the financial mechanism of the Convention.

The 2013–2015 review.

Second review of the adequacy of Article 4, paragraph 2(a) and (b), of the Convention.⁴

Matters relating to finance:

- (a) Scaling up climate finance from 2014 to 2020;
- (b) Report of the Standing Committee on Finance;
- (c) Report of the Green Climate Fund to the Conference of the Parties and guidance to the Green Climate Fund;
- (d) Report of the Global Environment Facility to the Conference of the Parties and guidance to the Global Environment Facility;
- (e) Fifth review of the financial mechanism;
- (f) Further guidance to the Least Developed Countries Fund.

Reporting and review of Parties included in Annex I to the Convention.

Reporting from Parties not included in Annex I to the Convention.

Capacity-building under the Convention.

Implementation of Article 4, paragraphs 8 and 9, of the Convention:

- (a) Implementation of the Buenos Aires programme of work on adaptation and response measures (decision 1/CP.10);
- (b) Matters relating to the least developed countries.

Gender and climate change.

Other matters referred to the Conference of the Parties by the subsidiary bodies.

Administrative, financial and institutional matters:

- (a) Audited financial statements for the biennium 2012–2013;
- (b) Budget performance for the biennium 2014–2015;

⁴ Parties may recall that at COP 4 it “proved impossible to reach any agreed conclusions or decisions” on this matter (FCCC/CP/1998/16, para. 64). The item was therefore included on the provisional agenda for the fifth session of the COP in accordance with rules 10(c) and 16 of the draft rules of procedure being applied. The COP, at its fifth session, could not reach a conclusion on this matter (FCCC/CP/1999/6, para. 18) and, following rules 10(c) and 16 of the draft rules of procedure being applied, the item was included on the provisional agenda for the sixth up to, and including, the twelfth session of the COP, with a footnote reflecting a proposal made by the Group of 77 and China to amend the item to read “Review of the adequacy of implementation of Article 4, paragraph 2(a) and (b), of the Convention”. On a proposal by the President, and on the basis of the recommendation made by the SBI, it was decided at COP 14 to defer consideration of this item to COP 16 (FCCC/CP/2008/7, para. 10). The COP, at its sixteenth session, based on a proposal by the President, deferred its consideration of this item, pursuant to rule 13 of the draft rules of procedure being applied, to COP 17. This item was held in abeyance at COP 17, COP 18 and COP 19. In accordance with rule 16 of the draft rules of procedure being applied, it will be considered at COP 20.

- (c) Privileges and immunities for individuals serving on constituted bodies established under the Convention;
- (d) Decision-making in the UNFCCC process.

High-level segment:

- (a) Statements by Parties;
- (b) Statements by observer organizations.

Other matters.

Conclusion of the session:

- (a) Adoption of the report of the Conference of the Parties on its twentieth session;
- (b) Closure of the session.

Annex II

Possible elements of the provisional agenda for the tenth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

Opening of the session.

Organizational matters:

Adoption of the agenda:

- (a) Election of replacement officers;
- (b) Organization of work, including the sessions of the subsidiary bodies;
- (c) Approval of the report on credentials;
- (d) Status of ratification of the Doha Amendment to the Kyoto Protocol.

Reports of the subsidiary bodies:

- (a) Report of the Subsidiary Body for Scientific and Technological Advice;¹
- (b) Report of the Subsidiary Body for Implementation.²

Issues relating to the clean development mechanism.

Issues relating to joint implementation.

Report of the Compliance Committee.

Adaptation Fund:

- (a) Report of the Adaptation Fund Board;
- (b) Second review of the Adaptation Fund.

Report on the high-level ministerial round table on increased ambition of Kyoto Protocol commitments.

Reporting and review of Parties included in Annex I:³

- (a) National communications;
- (b) Date for the completion of the expert review process under Article 8 of the Kyoto Protocol for the first commitment period;
- (c) Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol.

Clarification of the text in section G (Article 3, paragraph 7 ter) of the Doha Amendment to the Kyoto Protocol, in particular the information to be used to determine the "average annual emissions for the first three years of the preceding commitment period".

¹ Annotations to the provisional agenda of the tenth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) under this sub-item will indicate recommendations for draft decisions and conclusions arising from the work of the Subsidiary Body for Scientific and Technological Advice in 2014 for consideration at CMP 10.

² Annotations to the provisional agenda of CMP 10 under this sub-item will indicate recommendations for draft decisions and conclusions arising from the work of the Subsidiary Body for Implementation in 2014 for consideration at CMP 10.

³ The term "Party included in Annex I" is defined in Article 1, paragraph 7, of the Kyoto Protocol.

Capacity-building under the Kyoto Protocol.

Matters relating to Article 2, paragraph 3, and Article 3, paragraph 14, of the Kyoto Protocol.

Other matters referred to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol by the subsidiary bodies.

Administrative, financial and institutional matters:

- (a) Audited financial statements for the biennium 2012–2013;
- (b) Budget performance for the biennium 2014–2015;
- (c) Privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol.

High-level segment:

- (a) Statements by Parties;
- (b) Statements by observer organizations.

Statements by observer organizations.

Other matters.

Conclusion of the session:

- (a) Adoption of the report of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on its tenth session;
 - (b) Closure of the session.
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